

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SJR 763

February 11, 2010

SUMMARY OF BILL: Proposes to amend Article II, Section 28 of the Tennessee Constitution to prohibit the Legislature from levying a tax upon personal income or payroll or any tax measured by personal income or payroll, except that the Legislature may levy a tax upon income derived from stocks and bonds that are not taxed ad valorem.

Proposes to amend Article XI, Section 9 of the Tennessee Constitution to specify that the Legislature shall not authorize any county, municipality, or other political subdivision of the state to tax incomes, payrolls, estates, or inheritances, or to impose any other tax not authorized by Sections 28 and 29 of Article II of this Constitution. The foregoing amendment shall be referred to the 107th General Assembly and this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3, of the Constitution of Tennessee by means of posting this resolution on the official Web sites of the Secretary of State and the General Assembly.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Not Significant

Assumptions:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly of electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official Web sites of the Secretary of State and the General Assembly will not increase state expenditures by a significant amount.

- Article XI, Section 3 of the Constitution requires publication of the resolution before the next legislative election. This publication would occur in the spring of 2010.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

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